

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**MISSISSIPPI STATE CONFERENCE OF THE  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE;  
DR. ANDREA WESLEY; DR. JOSEPH  
WESLEY; ROBERT EVANS; GARY  
FREDERICKS; PAMELA HAMMER  
BARBARA FINN; OTHO BARNES;  
SHIRLINDA ROBERTSON; SANDRA  
SMITH; DEBORAH HULITT; RODESTA  
TUMBLIN; DR. KIA JONES; ANGELA  
GRAYSON; MARCELEAN ARRINGTON;  
VICTORIA ROBERTSON**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 3:22-cv-734-DPJ-HSO-LHS**

**STATE BOARD OF ELECTION  
COMMISSIONERS; TATE REEVES, *in his  
official capacity as Governor of Mississippi;*  
LYNN FITCH, *in her official capacity as  
Attorney General of Mississippi;* MICHAEL  
WATSON, *in his official capacity as Secretary  
of State of Mississippi***

**DEFENDANTS**

**AND**

**MISSISSIPPI REPUBLICAN  
EXECUTIVE COMMITTEE**

**INTERVENOR-DEFENDANT**

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**DEFENDANTS' RESPONSE IN OPPOSITION  
TO PLAINTIFFS' MOTION FOR JUDICIAL NOTICE**

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Defendants State Board of Election Commissioners, Governor Tate Reeves, Attorney General Lynn Fitch, and Secretary of State Michael Watson (collectively, "Defendants") respectfully request that this Court deny Plaintiffs' Motion for Judicial Notice.

1. Plaintiffs seek judicial notice of non-adjudicative facts relating to special elections and alleged facts about planning and development districts that are not generally known within the Court's jurisdiction. [Dkt. # 197].

2. Plaintiffs are not entitled to a remedy and any facts in relation to a remedy are not adjudicative. *See* Advisory Committee Notes to FED. R. EVID. 201(b). The alleged facts in relation to special elections are non-adjudicative because they are not relevant to Plaintiffs' challenge to Mississippi's 2022 redistricting plans for the State Senate and State House. Further, the merits of Plaintiffs' claims have not been adjudicated. *See Dr. Orly Taitz, Esq. v. Democrat Party of Mississippi*, No. 3:12-CV-280-HTW, 2015 WL 11005020, at \*14 (S.D. Miss. Mar. 31, 2015).

3. The facts Plaintiffs seek to admit as to the planning and development districts are inappropriate for judicial notice as they are not generally known within the Court's jurisdiction. *See* FED. R. EVID. 201(b)(1). Planning and development districts were created "to 'designate and recognize' certain geographic areas and jurisdictions as Districts having the functions of both economic development districts and planning commission districts. MS AG Op., *Noble* (Nov. 29, 1983) (quoting Executive Order No. 81). Each district was "created as a non-profit corporation under the Mississippi non-profit corporation law." *Id.*

4. Because the alleged facts about the planning and development districts are not generally known within the Court's jurisdiction and the facts relating to special elections are non-adjudicative, the requested facts are not judicially noticeable under Federal Rule of Evidence 201.

WHEREFORE, PREMISES CONSIDERED, the Defendants respectfully request the Court deny Plaintiffs' Motion for Judicial Notice.

**THIS** the 24th day of February, 2024.

Respectfully submitted,

STATE BOARD OF ELECTION  
COMMISSIONERS; TATE REEVES, IN HIS  
OFFICIAL CAPACITY AS GOVERNOR OF  
MISSISSIPPI; LYNN FITCH, IN HER OFFICIAL  
CAPACITY AS ATTORNEY GENERAL OF  
MISSISSIPPI; MICHAEL WATSON, IN HIS  
OFFICIAL CAPACITY AS SECRETARY OF  
STATE, DEFENDANTS

By: /s/ Tommie S. Cardin  
Tommie S. Cardin (MB #5863)  
ONE OF THEIR COUNSEL

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**CERTIFICATE OF SERVICE**

I, Tommie S. Cardin, one of the attorneys for the Defendants, do hereby certify that I have this day filed the above and foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

This the 24th day of February, 2024.

/s/ Tommie S. Cardin

Tommie S. Cardin

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